

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1672A

1 WHEREAS, Sprint PCS has submitted an application designated as Special  
2 Permit No. 1672A to waive the landscaping requirement on the north and east sides of the  
3 base of a broadcast tower on property located at the North Forty Golf Course, generally  
4 located southwest of the intersection of North 84th and Adams Streets, and legally  
5 described to wit:

6 Lot 85 I.T., located in the Northeast Quarter of Section 15,  
7 Township 10 North, Range 7 East, Lincoln, Lancaster County,  
8 Nebraska;

9 WHEREAS, the real property adjacent to the area included within the site  
10 plan for this broadcast tower will not be adversely affected; and

11 WHEREAS, said site plan together with the terms and conditions hereinafter  
12 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
13 Code to promote the public health, safety, and general welfare.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
15 Lincoln, Nebraska:

16 That the application of Sprint PCS, hereinafter referred to as "Permittee", to  
17 waive the landscaping requirement on the north and east sides of the base of the  
18 broadcast tower, on the property legally described above, be and the same is hereby  
19 granted under the provisions of Section 27.63.150 of the Lincoln Municipal Code upon  
20 condition that installation of said broadcast tower be in strict compliance with said

1 application, the site plan, and the following additional express terms, conditions, and  
2 requirements:

3 1. This permit approves a waiver of the required landscaping at the north  
4 and east sides of the base of the wireless telecommunications tower, provided that the  
5 landscaping is placed north of the parking lot, adjacent to Adams Street.

6 2. Before operating this tower, all development and construction must  
7 conform to the approved plans.

8 3. All privately-owned improvements, including landscaping, are to be  
9 permanently maintained by the Permittee.

10 4. The operation must meet appropriate state and federal licensing  
11 requirements.

12 5. The site plan approved by this permit shall be the basis for all  
13 interpretations of setbacks, yards, locations of buildings, locations of parking and  
14 circulation elements, and similar matters.

15 6. The terms, conditions, and requirements of this resolution shall be  
16 binding and obligatory upon the Permittee, its successors, and assigns. The building  
17 official shall report violations to the City Council which may revoke the special permit or  
18 take such other action as may be necessary to gain compliance.

19 7. The Permittee shall sign and return the City's letter of acceptance to  
20 the City Clerk within 30 days following approval of the special permit, provided, however,  
21 said 30-day period may be extended up to six months by administrative amendment. The  
22 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
23 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
24 Permittee.

1                   8.       The site plan as approved with this resolution voids and supersedes  
2 all previously approved site plans, however, all resolutions approving previous permits  
3 remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor